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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/735,382 | 12/12/2003 | Eugene Luskin | MSI-1725US | 1704 |
| 22801 | 7590 | 12/09/2005 | EXAMINER | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | GIBSON, ERIC M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3661 | |

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/735,382 | Applicant(s) LUSKIN ET AL. | |
| | Examiner Eric M. Gibson | Art Unit 3661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/12/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4, 7-13, 15, 18-24, 26, 29, 31-38, 40, and 43-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Shirane et al. (US005491631A).

a. Per claim 1, Shirane teaches a method including generating an explanation of a vehicle condition based on a vehicle diagnostics code comprising a set of symbols (column 12, lines 20-36).

b. Per claim 2, Shirane teaches including a textual explanation (see figure 9b).

c. Per claim 4, Shirane teaches generating supplemental information related to the vehicle diagnostics code (column 18, line 65 – column 19, line 10).

d. Per claim 7, Shirane teaches that the system may be connected to a personal computer (column 8, lines 61-67).

e. Per claim 8, Shirane teaches that the presenting may be performed at the vehicle (column 8, lines 14-23).

f. Per claims 9 and 11, Shirane teaches sending the diagnostic information to a remote computer (column 8, lines 64-67).

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- g. Per claim 10, Shirane teaches receiving updated information from the remote host (column 9, lines 1-4).
- h. Per claim 12, Shirane teaches a computer implemented method including generating a deciphered explanation of a vehicle diagnostics code (column 12, lines 20-36).
- i. Per claim 13, Shirane teaches including a textual explanation (see figure 9b).
- j. Per claim 15, Shirane teaches generating supplemental information related to the vehicle diagnostics code (column 18, line 65 – column 19, line 10).
- k. Per claim 18, Shirane teaches that the system may be connected to a personal computer (column 8, lines 61-67).
- l. Per claim 19, Shirane teaches that the presenting may be performed at the vehicle (column 8, lines 14-23).
- m. Per claims 20 and 22, Shirane teaches sending the diagnostic information to a remote computer (column 8, lines 64-67).
- n. Per claim 21, Shirane teaches receiving updated information from the remote host (column 9, lines 1-4).
- o. Per claim 23, Shirane teaches a computer generating a deciphered explanation of a vehicle diagnostics code (column 12, lines 20-36).
- p. Per claim 24, Shirane teaches including a textual explanation (see figure 9b).

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- q. Per claim 26, Shirane teaches generating supplemental information related to the vehicle diagnostics code (column 18, line 65 – column 19, line 10).
- r. Per claim 29, Shirane teaches a display (27, figure 1).
- s. Per claim 31, Shirane teaches sending the diagnostic information to a remote computer (column 8, lines 64-67).
- t. Per claim 32, Shirane teaches receiving updated information from the remote host (column 9, lines 1-4).
- u. Per claim 33, Shirane teaches a vehicle-based system including a diagnostics receiver module receiving a vehicle diagnostics code from a vehicle diagnostics system and a means for generating an explanation of the vehicle condition based on the vehicle diagnostics code (column 12, lines 20-36).
- v. Per claim 34, Shirane teaches a computer-readable memory storing an information registry having a field storing a reference to the explanation (column 12, lines 14-16).
- w. Per claim 35, Shirane teaches a memory storing explanations of one or more diagnostic codes (column 12, lines 16-19).
- x. Per claim 36, Shirane teaches including a textual explanation (see figure 9b).
- y. Per claim 37, Shirane teaches communicating the explanation over a network (column 8, lines 66-67).
- z. Per claim 38, Shirane teaches a display (27, figure 1).

aa. Per claim 40, Shirane teaches receiving updated information from the remote host (column 9, lines 1-4).

bb. Per claim 43, Shirane teaches a method including receiving a vehicle diagnostics code from a vehicle diagnostics system including a set of one or more symbols corresponding to vehicle condition and retrieving an explanation of the vehicle condition based on the diagnostics code (column 12, lines 20-36).

cc. Per claims 44 and 45, Shirane teaches receiving updated information from a remote host (column 9, lines 1-4).

dd. Per claim 46, Shirane teaches the explanation is presented automatically (see figure 9b).

ee. Per claim 47, Shirane teaches presenting an explanation in response to a request from a user (column 12, lines 37-44).

ff. Per claim 48, Shirane teaches communicating the explanation over a network (column 8, lines 66-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 3, 14, 25, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirane in view of Wellman et al. (US006212449B1).

a. Per claims 3, 14, and 25, Shirane teaches the invention as explained in the rejection of claims 1, 12, and 23. Shirane does not teach providing a graphical illustration of the component associated with the diagnostic code. Wellman teaches a method for diagnosing malfunctions in a vehicle that in addition to a textual description, also provides a graphical illustration of the faulty component, in order to aid the user in locating and repairing the component (column 8, lines 29-56). It would have been obvious to one of ordinary skill in the art, at the time of invention, to include a graphical illustration of the faulty component, in order to aid the user in locating and repairing the component, as taught by Wellman.

b. Per claim 41, Shirane teaches the invention as explained in the rejection of claim 34. Shirane does not teach the specific fields listed in claim 41. However, the fields listed are general to the art of vehicle diagnostic systems. A typical diagnostic system will indicate the severity of a fault, the faulty component, and a type of fault (see for example Shirane figure 7). Furthermore, Wellman teaches automatically generating

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a graphical illustration of the faulty component (column 8, lines 29-56). It would have been obvious to one of ordinary skill in the art, at the time of invention, to indicate these features in the diagnostic codes of the system, as is well known in the art.

3. Claims 5, 6, 16, 17, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirane in view of Moore (US006370454B1).

a. Per claims 5, 16, and 27, Shirane teaches the invention as explained in the rejection of claims 4, 15, and 26. Shirane does not teach retrieving an estimated price for repairing the condition related to the diagnostic code. Moore teaches a vehicle diagnostic system that retrieves an estimated price for repairing a condition related to a diagnostic code (see figure 6). It would have been obvious to one of ordinary skill in the art, at the time of invention, to retrieve an estimated price for repairing the condition related to the diagnostic code in the system of Shirane, in order to make the repair of the vehicle easier for the user, as taught by Moore.

b. Per claims 6, 17, and 28, Shirane teaches the invention as explained in the rejection of claims 4, 15, and 26. Shirane does not teach retrieving a location of a vehicle dealership. Moore teaches a vehicle diagnostic system that retrieves a location of a vehicle dealership (see figure 6). It would have been obvious to one of ordinary skill in the art, at the time of invention, to retrieve a location of a vehicle dealership in the system of Shirane, in order to make the repair of the vehicle easier for the user, as taught by Moore.

4. Claims 30 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirane in view of Hwang et al. (US006278919B1).

a. Per claims 30 and 39, Shirane teaches the invention as explained in the rejection of claims 23 and 38. Shirane does not teach presenting the information in an audio format. It would have been well known to one of ordinary skill in the art at the time of the invention that audio instructions can be used in addition to or as an alternative to text descriptions. Hwang is exemplary of a vehicle diagnostic system that uses both text and audio descriptions of the diagnostic information. It would have been obvious to one of ordinary skill in the art, at the time of invention, to provide an audio format of the text information, as is well known in the art, and exemplified by Hwang.

5. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shirane.

a. Per claim 42, Shirane teaches the invention as explained in the rejection of claim 33. Shirane does not name OBDII code as the diagnostic code. However, OBDII is an industry standard and would have been obvious to one of ordinary skill in the art at the time of the invention.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lowrey et al. (US006611740B2) teaches an internet-based vehicle diagnostic system. Katagishi et al. (US006438471B1) teaches a repair and maintenance support system. Simmons, Jr. et al. (US005579227A) teaches lift truck diagnostics. Hughes et al. (US005557268A) teaches an automatic vehicle recognition and customer automobile diagnostic system. Spoto et al. (US005539869A) teaches a method and system for processing and presenting online, multimedia information in a

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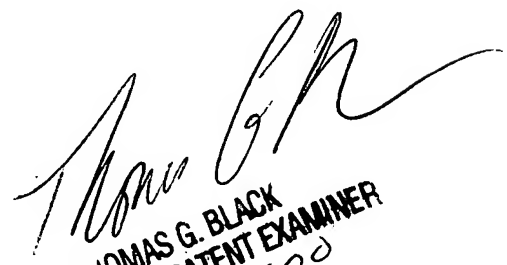
tree structure. Wong (US005432904A) teaches an auto repair estimate, text and graphic system. Rossow et al. (US00D439257S) teaches a display panel for a power machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Gibson whose telephone number is (571) 272-6960. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG


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